PRESERVED PRESERVED

App. F. IX-4

Previous References (1937. 46)

File No. 59-37
Serial Nos. 1-2

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for September 1937

SUBJECT.

Amendment to Forms No 6 Criminal printed on page 55 of Criminal Rules of practice and circular orders Vol II 1935

Govt. of P 15-16 of 11-9-37 Secy Regd High Court

WD 0295—GPB—22,500—13-8-37

Sanctioned

M Ayyangar
18/10/37

General & Revenue Secretariat. | File No. 6 of 1937 | [App. F. III–2

Serial No.

1

There is a delay of over 10 days in submitting the file to Govt

From the Residency

No. 7-976-37/Ro I dt 3-7-37

Fordg certain papers relating to the grant of leave to the Joint Magte Madanapalle for his attendance in the Court of the Joint Magte, Kolar and requests to furnish the necessary Order of Govt in the matter.

1) The Joint Magte, Madanapalle has claimed a sum of Rs 48/4/0 for his appearance in the Court of the Joint Magte, Kolar as a witness in CC 116/35-36 on 5-10-36 at Kolar. The Joint Magte, Kolar contends that he was required to come to produce certain of certain records and not for giving evidence and it is not therefore possible to grant him T.A. The necessary Order may perhaps be obtained in the matter. Submitted in the draft.

76

1937 Whatever may have been the intention of the Sessions Magistrate Kolar the impression conveyed thereby to the Joint Magistrate Madanapalle was called to appear in person on 5:10:36 & also to Canvass the production of the original Rolls regarding identification parade held on 15:4:36

NOTE—Contn. Sheet.

2 — Grant of Costs to the Joint Magistrate 76
" Madampe for his attendance in the
Court after 1st Magistrate left.

Cf File No. 6 of 1937. General and Revenue Secretariat

Serial No.

It is intended that only the documents mentioned above should be produced the printed Summonses form should have been suitably amended by striking off the portion "and it appears that you are likely to give material evidence". You are hereby summoned to appear before this Court etc" when this portion stood the Joint Magistrate must have naturally understood that his presence was needed & to obey the Summons & appeared in Court.

3) The Summons has been signed by the Head clerk who did not understand the significance of sending the Summons in the form in which he has done now the reasonable usual DA due to the Joint Magistrate under the Rule has to be paid. The attention of Mr Magistrate may be drawn to the unsatisfactory way of issuing Summons.

4) The High Court may also be Consulted whether it is now necessary to prescribe a separate form when the Summons is only for production of documents similar to form No 10 on the civil side.

Chief Secy.) by
(5)

) (1) The claim for T.A. has to be admitted and paid.

b) (2) High Court may be Consulted as regards the point noted at A.

1st Member) 16-7-37 20/7 17-7

7.6 3

General & Revenue Secretariat. File No. of 193 [App. F. III–2

Serial No. 8) Submitted With 3 drafts

CAW 27/7 23. Resubd with 3 typed drafts as directed

CAW 27/7 chief secy 10) hsp 27.7

11) appd MMS 28-7-37

12) issue hsp 28.7

RECEIVED 28 JUL 1937 GOVT. OF MYSORE.

TYPING SECT. 28 JUL. 1937 GENL & REV. SECTT.

To

The Residency

No. Pol 165 es 6-37-2 Dt 30-7-37.

Informs that Dr Kolen is asked to arrange for payment to Mr. Dandekar.

To

The Dr. Kolen

No. P 576 es 6-37-3 Dt 30-7-37

Asks to get the T.A. bill of Mr. Dandekar audited and arrange to pay him.

To

The Registrar, Hijri Commy. Oly Sore.

MP 677 Dt 30-7-37.

Requests to consider the desirability of having separate forms for summons for production of documents only.

From

Mr D. M. Kolen.

J.L.C. 401/37/38 Dt 11-8-37.

States that an amount of Rs 37-4-0 will be paid after the bill is audited by the Comptr. & Rs 111 disallowed being Motor Vehicle tax and toll.

was

4.8.37

NOTE—Contn. Sheet.

G Grant of batta to the joint Magistrate Madanapalli 1299

CS File No. 6 of 193 7 | General and Revenue Secretariat

Serial No.

(1) Submitted for perusal & orders. whether a copy of letter from D.M. Kolar has to be sent to the Resident in continuation of this no. Pol 165 CS 6-37-2 of 30-7-37.

(2) Needs not be sent.

16-8

Sub A.

From

The Registrar High Court

Rec No 148/37-38 dt 24.8.1937

States that the Judges of the High Court are agreeable to the suggestion made by Govt in the matter of having a separate "form" for the summons on the Criminal side similar to form 10 on the Civil side and requests sanction to the substitution of the form (enclosed to this letter) for form No 6 (criminal)

(3) Submitted with reference to discussions in paras 4-7 of the notes.

(4) A draft of a G.O. sanctioning is also submitted herewith for approval or other orders.

CSR 4/9 Returned with a revised draft as directed. The form may be approved. Form No 6 has been suitably amended both for the purpose of summoning a witness & for production of documents CSR 6/9

6.9

CHIEF SECRETARY. 6. SEP. 19 GOVT. OF MYSORE.

Form for summoning witness (Criminal) 1929 cases

General and Revenue Secretariat | C5 File No. 59 of 193 7 | [App. F. III–2

Serial No.	
	Draft for appl.
	1st member) MK 7.9.37
	hq 9.9
	SPR 9/9 MK 9/9
	corrd hq 9.9
2	To The Regr. Highcourt the DM Gaziabad p 1516-24 dy 4-9-37
	Accords sanction to the substitution of form No 6 (Cr) printed on page 55 of the Cr. P.C.
	B. 7.9.37

OFFICE OF THE FIRST MEMBER A.C. ORDNANCE 9 SEP 1937 No.

TYPING SECTION. 10 SEP. 1937 GEN'L & REV. SECTT.

NOTE—Contn. Sheet.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No.F.976-37 Enc 7.
R.O. I

Pol 23 26/7/37

No 6-37-1

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 3rd July *1937.*

CHIEF SECRETARY. Law 3 JUL 1937 GOVT. OF MYSORE.

Grant of batta to the Joint Magistrate, Madanapalle, for his attendance in the Court of the First Magistrate, Kolar.

SIR,

I am directed to forward the communications noted in the margin, in original (to be obligingly returned when no longer required), and to request that if there be no objection, the Hon'ble the Resident may kindly be favoured with the views of the Government of Mysore.

✓1. Letter from the First Magistrate, Kolar, to the Joint Magistrate, Madanapalle, P.R.No.213/36-37, dated the 26th September 1936, with enclosure.	margin, in original
✓2. Travelling Allowance claim of the Joint Magistrate of Madanapalle for attending the Court of the First Magistrate, Kolar, on 5th October 1936 at Kolar in C.C.No.116 of 35-36.	(to be obligingly
✓3. Letter from the First Magistrate, Kolar, to the Joint Magistrate, Madanapalle, No.226/36-37, dated the 8th October 1936.	returned when no
✓4. Letter from the Joint Magistrate, Madanapalle, to the First Magistrate, Kolar No.Ref.F.8292/36, dated the 17th May 1937.	longer required),
✓5. Letter from the First Magistrate, Kolar, to the Joint Magistrate, Madanapalle, T.No.661/36-37, oated the 3rd June 1937.	and to request that
✓6. Copy of letter from the Joint Magistrate, Madanapalle, to the District Magistrate, Chittoor, Ref.F.No.8292/36, dated the 11th June 1937.	if there be no objection, the

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

Letter from the Joint Magistrate, Madanapalle, to the District Magistrate, Chittoor, Ref.F.No.8292/36, dated the 11th June 1937.

---:O:---

COURTS - CRIMINAL - MYSORE STATE - KOLAR FIRST MAGISTRATE'S COURT - C.C.116/35-36 - COURT ATTENDANCE - BATTA CLAIM.

I beg to submit herewith this office current file No.F.8292/36 containing 32 pages of the correspondence relating to the travelling allowance claim of my predecessor for his appearance in the court of the First Magistrate, Kolar as a witness in C.C.116/35-36 on 5th October 1936 at Kolar. A sum of Rs.48/4/- has to be paid by the Government of Mysore.

2. The First Magistrate of Kolar is contending that his summons to the witness was only for causing production of records and that he is therefore unable to comply with the travelling allowance claim. The direction in the summons served on my predecessor was to cause production of records and to appear before the First Magistrate, Kolar on 5th October 1936 (vide summons at page 1 c.f). My predecessor appear before the said court on 5th October 1936 in obedience to the directions contained in the summons and he is therefore entitled to his travelling allowance.

3. Even after my pointing out the directions contained in the summons the First Magistrate writes to say that he has nothing to add to his previous reply declining to allow travelling allowance. I therefore request that the matter may be taken to the higher authorities and the travelling allowance which is legally due to my predecessor may be recovered from the Mysore Government and paid to him.

---:O:---

N.Dis.1121/430.37.

Forwarded to the Secretary to the Hon'ble the Resident in Mysore, Bangalore (with enclosures) for necessary action.

2. The summons on page 1 of the enclosed file shows clearly

that

that the Joint Magistrate, Madanapalle was summoned to appear before the First Magistrate, Kolar, and he did appear. The Joint Magistrate is entitled to travelling allowance.

3. The records enclosed may please be returned to the Joint Magistrate, Madanapalle, when done with.

Sd. * * *
District Magistrate,
Chittoor.

---:C:---

"C O P Y"

T. M. Thangavelu Mudaliar.

SUPERINTENDENT, RESIDENT'S OFFICE.

Pol 168 Ind. 6 of 30/7/37

No 6-57-F-2

4.

To

The Secretary to the
Hon'ble the Resident in Mysore,
Bangalore.

Subject:- T.A. to the Joint Magistrate, Madanpalle for attending the Court of the First Magistrate, Kolar, on 5th October 1936.

Sir,

With reference to your letter No.F.976-37/ R.O.I dated 3rd July 1937 on the above subject, I am directed to state that the District Magistrate, Kolar District has been requested to have the T.A. bill audited and to arrange for payment of the amount due to Mr. N. Dandekar.

The enclosures received with your letter under reference are herewith returned.

I have etc.,

28/7

Chief Secretary to Government.

27/7

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P576. Ms 6-37-5 Dated, Bangalore, 28th July 1937.
30

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The District Magistrate,
Kolar District.

Sir,

I am directed to state that it has been brought to the notice of Government by the Residency that in pursuance of a summons issued by the First Magistrate of Kolar to the Joint Magistrate, Madanapalle, for production of certain documents in C.C. No.116/35-36 and for personal appearance of that officer in the court, Mr. N. Dandekar, the then Joint Magistrate, Madanapalle, attended the above court on 5th October 1936 and preferred a claim for Rs.48-4-0 being the travelling allowance for journeys performed by him to Kolar and back to Madanapalle.

On receipt of the T.A. bill from the Joint Magistrate, Madanapalle, the First Magistrate, Kolar, contended that his summons to the witness was only for causing production of records in the case and that the personal appearance of the officer was not required. On this basis, the T.A. bill was not passed. The direction in the summons served on Mr. Dandekar was to cause production of records and to appear before the First Magistrate, Kolar, on 5th October 1936 and even after pointing out this direction in the summons, the First Magistrate, Kolar, appears to have replied that he had nothing to add to his previous reply declining to allow the travelling allowance. On a perusal of copies of correspondence received from the Residency on the subject, Government are satisfied that the direction in the summons was not only for the production of documents but was also for the personal appearance of the Joint Magistrate, Madanapalle, though the -

intention might have been for the production of documents only and they are of opinion that the claim for travelling allowance has to be admitted and paid to the party.

I am accordingly to request that the records connected with the case may be called for and arrangements made to get the travelling allowance bill audited and amount paid to the party. A report of action taken should be forwarded to - Government very early.

I am to add that the attention of the First Magistrate, Kolar, may be drawn to the unsatisfactory manner in which the summons was prepared in the case in question.

The matter may be treated as immediate.

I have the honour to be,
Sir,
Your most obedient servant,

29.7.

Chief Secretary to Government.

R

3 drafts No. P 576 Cs-6-37-3
& 30-7-37

To

The District Magistrate,
Kolar District.

Sir,

I am directed to state that it has been brought to the notice of Government by the Residency that in pursuance of a summons issued by the First Magistrate of Kolar to the Joint Magistrate, Madanapalle for production of certain documents in C.C.No.116/35-36 and for personal appearance of that officer in the court, Mr. N.Dandekar the then Joint Magistrate, Madanapalle attended the above court on 5th October 1936 and preferred a claim for Rs48-4-0 being the T.A. for journeys performed by him to Kolar and back to Madanapalle.

On receipt of the T.A. bill from the Joint Magistrate, Madanapalle, the First Magistrate, Kolar, contended that his summons to the witness was only for causing production of records in the case and that the personal appearance of the officer was not required. On this basis the T.A. bill was not passed. The direction in the summons served on Mr. Dandekar was to cause production of records and to appear before the First Magistrate, Kolar on 5th October 1936 and even after pointing out this direction in the summons, the First Magistrate, Kolar appears to have replied that he had nothing to add to his previous reply declining to allow the T.A. On a perusal of copies of correspondence received from the Residency on the subject, Government are satisfied that the direction in the summons was not only for the production of documents ~~as~~ but was also for the personal appearance of the Joint Magistrate, Madanapalle though the intention might have been

for the production of documents only and are of opinion that the claim for T.A. has to be admitted and paid to the party.

I am accordingly to request that the records connected with the case may be called for and arrangements made to get the T.A. bill audited and ~~and for immediate payment of~~ the amount paid to the party. A report of action taken should be forwarded to Government very early.

I am to add that the attention of the First Magistrate, Kolar may be drawn to the unsatisfactory manner in which the summons was prepared in the case in question.

The matter may be treated as immediate.

I have etc.,

28.7.37

Chief Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat 9

Dated, Bangalore, 28th July 1937.
30

No. P577

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

I am directed to state that Government had occasion very recently to notice an instance of irregular procedure adopted by the First Magistrate, Kolar, in issuing summons to a witness in British India in which the personal appearance of the witness was required besides the production of certain documents in the case while the intention of the court issuing summons was for the production of the documents only. The witness preferred a claim for the travelling allowance in respect of the journeys performed by him to Kolar and back to Madanapalle and the First Magistrate, Kolar, is stated to have declined to pass the bill on the ground that what was intended in the summons was the production of the documents in question and not the personal appearance of the witness in the court.

Government are of opinion that the irregularity referred to would have been avoided had the summons been prepared correctly. With a view to avoid recurrence of such irregularities in future, Government request the High Court to consider whether it would not be desirable to have a separate form for the summons when only the production of a document is intended similar to Form No.10 on the Civil side.

I have the honour to be,
Sir,
Your most obedient servant,

29.7

Chief Secretary to Government.

No. P 577 & 30.7.37

3 duplicate

To 10

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

I am directed to state that Government had occasion very recently to notice an instance of irregular procedure adopted by the First Magistrate, Kolar in issuing summons to a witness in British India in which the personal appearance of the witness was required besides the production of certain documents in the case while the intention of the court issuing summons was for the production of the documents only. The witness preferred a claim for the T. A. in respect of the journeys performed by him to Kolar and back to Madanapalle and the First Magistrate, Kolar is stated to have declined to pass the bill on the ground that what was intended in the summons was the production of the documents in question and not the personal appearance of the witness in the court.

Government are of opinion that the irregularity referred to would have been avoided had the summons been prepared correctly. ~~That~~ With a view to avoid recurrence of such irregularities in future Government request the High Court to consider whether it would not be desirable to have a separate form for the summons ~~where~~ when only the production of a document is intended similar to Form No.10 on the Civil side.

I have etc.,

28/7

Chief Secretary to Govt.

27

1053 P 37

In all future correspondence please quote this
No. Jl.C.401/37-38.
Encls.

OFFICE OF THE DISTRICT MAGISTRATE,
KOLAR DISTRICT.

Dated, Kolar, the 11th August *193* 7

FROM J. Appaji Gowda, Esq., B.A.(Hons),
~~Rx Gx BA MA xx IXER x Esq, xRxx~~
District Magistrate,
Kolar District.

CHIEF SECRETARY, Pol Dept. 13. AUG. 1937 GOVT. OF MYSORE

B.T. Kesaviengar, Esq., B.A.,
Chief SECRETARY TO GOVERNMENT OF MYSORE,
~~Department~~,
Bangalore.

76.

SIR,

With reference to your letter No.P.576 Cts 6-37-3 dated 28/30th July 37, re: the payment of Travelling allowance amounting to Rs 48-4-0 to Mr. N.Dandekar, I.C.S., Joint Magistrate, Madanapalli for having attended the First Magistrate's Court, Kolar as a witness in C.C.116/35-36 on 5-10-36, I have the honour to state that out of the above amount a sum of Rs 9/- being the Motor Vehicle tax for the half year ending 31-12-36 and Rs 2/- being the toll paid at Nangli and Royalpad frontiers(Rs 11/- in all) has been disallowed by the First Magistrate, Kolar in the said Travelling Allowance bill. The bill has been passed for the total amount of Rs 37-4-0 only being the mileage from Punganur to Kolar and back and the daily allow-ance claimed by the witness.

As the said claim relates to a period of over 6 months the Travelling Allowance bill together with the D. C. Bill has been forwarded to the Comptroller to the Government of Mysore Bangalore, for preaudit and return.

The amount will be duly remitted by Money Order to Mr. N.Dandekar on receipt of the said bill duly preaudited by the Comptroller.

I have the honour to be,
Sir,
Your most obedient servant,

For District Magistrate,
Kolar District.

AGA.

Absent from Head Quarters.

ch 59-37-1 1299 p 837.

R. O. C. No. 1481/37-38

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park, 18

Bangalore, 24th August *193*7.

FROM T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

CHIEF SECRETARY 24 AUG. 19 GOVT. OF MYSORE

To

B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

With reference to your letter No.P.577, dated 28/30th July 1937, requesting the High Court for the reasons mentioned in the said letter, to consider whether it would not be desirable to have a separate form for the summons on the criminal side when only the production of a document is intended similar to Form No.10 on the civil side, I am directed to state that the Judges of the High Court are agreeable to the suggestion made in your letter under reference, and they propose that the enclosed form containing an alternative for the production of documents only be substituted for Form No.6, Criminal, printed on page 55 of the Criminal Rules of Practice and Circular Orders, Vol.II, 1935.

I am to request the sanction of the Government to the said proposal.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar
Registrar.

VJC

AMENDED FORM.

Summons to a witness.
Sections 68 and 252
Cr.P. Code.
Form No.6 Crl.

IN THE COURT OF .....

TO

WHEREAS complaint has been made before me that .....of.....has (or is suspected to have) committed the offence of.....the prosecution..... defence.

You are hereby required personally to appear before this Court on the.....day .....19 at .....O'clock in the forenoon to testify what you know - concerning the matter of the said complaint and to bring with you the undermentioned documents now in your custody and not to depart thence without leave of the Court and you are hereby warned that if you shall without just excuse neglect or refuse to appear and to produce the said document on the said date, a warrant will be issued to compel your attendance:

or

You are hereby required to produce or cause the production of the undermentioned - documents now in your custody before this Court on the .....day 19

at

1 5 —

at .....O'clock in the forenoon, and you are hereby warned that if you shall without just excuse neglect or refuse to produce or cause the production of the said documents on the said date, or to explain to the satisfaction of the Court the reason for the non-production of documents a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court - this.....day of.....19

MAGISTRATE.

NOTE 1 :- If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on day and hour aforesaid.

NOTE 2 : Travelling Allowance will be paid in accordance with the rules.

N.B.- Whenever this form is used to summon a witness residing outside the State the penal provision about the issue of a warrant referred to above should be deleted.

* This note should be used in case of witnesses coming from outside the Mysore State.

J. Shamiendra

Registrar.

MSW

VJC

17

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read.-

Correspondence ending with letter No. HCC. 148 of 1937-38 dated the 24th August 1937 from the Registrar, High Court of Mysore requesting sanction to the substitution of the appended form for Form No. 6 (Criminal) printed on page 55 of the Criminal Rules of Practice and Circular Orders Vol. II 1935.

Order No. P.S.16-26 CS-59-37-2
Page 1

Dated, Bangalore, the 14th Sept. 1937.

Sanctioned.

Chief Secretary to Government.

To

The Registrar, High Court of Mysore.
The District Magistrates of Districts.

C.R.G. 10.

ALTERED FORM.

Summons to a witness
Sections 63 and 252
Cr. P. Code.
Form No.6. 6 Cri.

18

IN THE COURT OF .....

To

WHEREAS complaint has been made before me that ..... of ..... has (or is suspected to have) committed the offence of .... the prosecution .....defence.

You are hereby required personally to appear before this Court on the ..... day..... 19 . at .....o'clock in the forenoon to testify what you know † concerning the matter of the said complaint and to bring with you the undermentioned documents now in your custody and not to depart thence without leave of the Court and you are hereby warned that if you shall without just excuse neglect or refuse to appear and to produce the said document on the said date, a warrant will be issued to compel your attendance

or

You are hereby required to produce or cause the production of the undermentioned documents now in your custody before this court on the ..... day o. .....19 at .....o'clock in the forenoon, and you are hereby warned that if you shall without just excuse neglect or refuse to produce or cause the production of the said document on the said date, or to explain to the satisfaction of the Court the reason for the non-production of documents a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court this 19 .....
..... day of 19

MAGISTRATE.

Note 1:- If you are summoned only to produce a document and not to give evidence you shall be deemed to have complied with the summons if you cause such documents to be produced in this Court on day and ~~three~~ hour aforesaid.

Note 2:- Travelling Allowance will be paid in accordance with the rules.

N.B. - Whenever this form is used to summon a witness residing outside the State the penal provision about the issue of a warrant referred to above should be deleted.

This note should be used in the case of witnesses coming from outside the Nyasa State.

for Chief Secretary to Govt
CSN